

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**MEMORANDUM AND ORDER**

Plaintiff John Doe was convicted of sexual assault in New Jersey in 1981. Defendants James Keathley, Tom Neer, Debbie Sloan, Jack Banas, and St. Charles County, Missouri assert that Doe must register as a sex offender under Missouri's Sex Offender Registration Act. Doe requests a declaration that applying the Sex Offender Registration Act to him violates the United States and Missouri Constitutions. He also seeks injunctive relief barring Defendants from requiring him to register as a sex offender and directing Defendants to cease publicly disseminating information that was obtained from him when he previously registered.

Doe has moved for leave to amend his complaint to clarify the factual allegations that form the basis for his legal claims for relief under the federal and Missouri constitutions. Under Rule 15(a) of the Federal Rules of Civil Procedure, a court should freely grant parties leave to amend their pleadings when justice requires. Fed. R. Civ. P. 15(a). “[D]enial of leave to amend a pleading is appropriate only in those limited circumstances in which undue delay, bad faith on the part of the moving party, futility of the amendment, or unfair prejudice to the nonmoving party can be demonstrated.” Roberson v. Hayti Police Dept., 241 F.3d 992, 995 (8th Cir. 2001).

Because this motion is not the product of bad faith or undue delay and will not result in unfair prejudice, I will grant Doe's motion.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Second Motion for Leave to File his Second Amended Complaint [#90] is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendant Keathley's Motion to Dismiss [#36] is **DENIED as moot**.

**IT IS FURTHER ORDERED** that Defendants Tom Neer, Debbie Sloan, and St. Charles, Missouri's Motion to Dismiss [#65] is **DENIED as moot**.

**IT IS FURTHER ORDERED** that Defendants file their responsive pleadings within 20 days. Defendants may incorporate by reference their earlier memoranda and/or supplement their arguments with new memoranda.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of December, 2008.